



4910-9X

## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2011-0177]

### Notice of Submission of Proposed Information Collections to OMB

#### Agency Request for Renewal of Previously Approved Information Collections: Nondiscrimination on the Basis of Disability in Air Travel

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Department of Transportation's (Department or DOT) Office of the Secretary (OST) is submitting a request to the Office of Management and Budget (OMB) for renewal of the OMB control number 2105-0571, titled Nondiscrimination on the Basis of Disability in Air Travel, for the information collections described below. On April 18, 2018, the Department published a **Federal Register** Notice with a 60-day comment period soliciting comments on the information collections. See 83 FR 17221. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** Written comments should be submitted by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. Comments may also be sent via email to OMB at the following address: [oir-submissions@omb.eop.gov](mailto:oir-submissions@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** John C. Wood, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC, 20590, 202-366-9342 (Voice), 202-366-7152 (Fax), or [john.wood@dot.gov](mailto:john.wood@dot.gov) (E-mail). Arrangements to receive this document in an alternative format may be made by contacting the above-named individual.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2105-0571.

*Title:* Nondiscrimination on the Basis of Disability in Air Travel.

*Type of Review:* Renewal of information collections.

*Background:* This notice covers two information collection requirements in the Department's Air Carrier Access Act (ACAA) implementing regulation, 14 CFR Part 382 (Part 382), Nondiscrimination on the Basis of Disability in Air Travel. Specifically, pursuant to section 382.43(d), covered carriers must provide an online mechanism for passengers to request disability accommodation services (e.g., enplaning/deplaning assistance, deaf/hard of hearing communication assistance, escort to service animal relief area, etc.) for a particular flight. Pursuant to section 382.43(e), covered carriers must also ensure that when a user activates a link on a carrier's primary Web site to embedded third-party software or to an external Web site, a disclaimer is displayed notifying the user that the application or Web site may not be accessible. These requirements became effective on December 12, 2015, and December 12, 2016, respectively. Covered carriers are U.S. and foreign air carriers that operate at least one aircraft having a designed seating capacity of more than 60 passengers and own or control a primary Web site that

markets passenger air transportation or a tour, or tour component that must be purchased with air transportation, to the general public in the United States.<sup>1</sup>

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On April 18, 2018, OST published a **Federal Register** Notice announcing its intention to renew OMB control number 2105-0571 and inviting interested persons to submit comments on these information collections for 60 days. See 83 FR 17221. During this time, the Department received one comment related to the information collections.

The commenter, Paralyzed Veterans of America (PVA), supported both information collections and emphasized that carriers should provide an opportunity for passengers with disabilities to request disability accommodation in advance of arriving at the gate at an easy to locate place on an airline's website. PVA also stated that carriers should then use the information to make sure that passengers receive any needed assistance in a timely manner. PVA added that collecting service request information has the potential to benefit all stakeholders, including carriers, as it helps carriers understand the types and frequency of requests received across routes and travel periods. The PVA comment made no reference to the estimated number of respondents or burden hours for the information collections. The Department also received another comment, but that

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<sup>1</sup> While there are approximately 190 U.S. and foreign air carriers that conduct passenger-carrying service to, from, or in the United States with at least one aircraft having a designed seating capacity of more than 60 seats, not all of those carriers have a primary Web site that markets passenger air transportation to the general public in the U.S. The Department estimates that approximately 165 of those 190 carriers are subject to the Department's Web-accessibility requirements as they operate such aircraft and have a primary Web site that markets to U.S. consumers.

comment was outside the scope of the Paperwork Reduction Act. It did not address any issue related to the information collections that are the subject of this renewal.

Accordingly, this notice announces that the information collection activities set forth in Part 382 have been re-evaluated and certified under 5 CFR 1320.5(a) and are being forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c). Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1230.12(d); *see also* 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

The renewed OMB control number will be applicable to all the provisions set forth in this notice. The title, a description of the information collection, its need and proposed use, respondents, and the periodic reporting burden are set forth below for each of the information collections:

1. Online Request for Disability Accommodation

*Description of the need for the information and proposed use:* Pursuant to 14 CFR 382.43(d), each covered carrier must provide a mechanism on its website for passengers to request a disability accommodation service for a future flight and provide advance notice of their request. Carriers may, but need not, require passengers to include contact information on the form in order to follow-up and request more specific information about the passengers' accommodation needs. Carriers may also use the aggregate data

from the online service requests to understand and better plan for the volume and types of service requests they receive across time periods and routes, but also are not required to do so.

While the content and design of the online service request form is up to the carriers, the Department anticipates that each covered U.S. and foreign carrier that markets scheduled air transportation to the general public in the United States would incur initial costs associated with developing and reviewing a design and implementation plan for the request form, developing, coding, and integrating the form into the Web site, as well as testing, debugging, and connecting the form with a backend database to store the information. The final regulatory analysis (FRA) for the final rule entitled *Nondiscrimination on the Basis of Disability in Air Travel: Accessibility of Web Sites and Automated Kiosks at U.S. Airports* estimated that it will take an average of 32 labor hours per carrier to develop, implement, integrate, connect, and test the online request form. Initial costs are reduced for carriers that rely on a request form developed by another entity. There are no recordkeeping or reporting requirements. However, carriers should use the service request information to facilitate appropriate, timely assistance to their passengers.

*Respondents:* Certificated U.S. and foreign air carriers operating to, from, and within the United States that operate at least one aircraft having a seating capacity of more than 60 passengers and own or control a primary Web site that markets air transportation to the general public in the U.S.

*Estimated Number of Respondents:* 165 U.S. and foreign carriers, of which the Department expects all to have achieved compliance with the requirement in a prior year.

The Department estimates that each year there will be 3 new respondent carriers.

*Estimated Annual Burden on Respondents:* 0 hours per carrier compliant in a prior year, unless the carrier voluntarily elects to modify or improve its form, and 32 hours per carrier creating an online request form.

*Estimated Total Annual Burden:* 96 hours. This estimate was calculated by multiplying the total number of labor hours per year that a carrier is estimated to spend to develop, implement, integrate, connect, and test the online request form (32) by the estimated number of new respondent carriers each year (3).

*Frequency:* One-time requirement.

## 2. Web site Accessibility Disclaimer Notice

*Description of the need for the information and proposed use:* Pursuant to 14 CFR 382.43(e), covered carriers must provide a disclaimer notice for each link on their primary Web site that enables a user to access software or an external Web site that is not in the carrier's control. The disclaimer notice must be activated the first time a user clicks the link and must notify the user that the application/Web site is not within the carrier's control and may not follow the same accessibility policies as the primary Web site. The Department anticipates that each covered U.S. and foreign carrier will incur costs associated with identifying all links on their Web sites that may require a disclaimer such as developing and reviewing the design and language for the disclaimer notice, as well as developing, testing, and deploying the code to the appropriate web pages.

The incremental labor hours associated with providing the required disclaimer may vary depending on the number of links on the Web site to which this requirement applies. The FRA estimated that it will take an average of 6 labor hours per carrier to identify the links and then develop, test, and deploy the disclaimer notice on the Web site. We also estimate that it will take less than 30 minutes per year for a carrier to associate the notice with any new links to external Web sites or third-party software added to their websites.

There are no recordkeeping or reporting requirements associated with this information collection.

*Respondents:* Certificated U.S. and foreign air carriers operating to, from, and within the United States that operate at least one aircraft having a seating capacity of more than 60 passengers and own or control a primary Web site that markets air transportation to the general public in the U.S.

*Estimated Number of Respondents:* 165 U.S. and foreign carriers, of which the Department expects all to have achieved compliance with the requirement in a prior year. The Department estimates that each year there will be 3 new respondent carriers.

*Estimated Annual Burden on Respondents:* 6 hours for 3 new carrier respondents to create, test, and deploy the disclaimer. 30 minutes for 165 carriers compliant in prior years to associate the notice with new links and third-party software.

*Estimated Total Annual Burden:* 100.5 hours. This estimate was calculated by multiplying the total number of labor hours per year that a carrier is estimated to spend to develop, test, and deploy the disclaimer notice (6) by the estimated number of new respondent carriers each year (3). To that total we added the product of the number of

hours that we estimated carriers may spend associating the notice with new weblinks (.5 hours) and the number of carriers that are expected to have achieved compliance in a prior year (165).

*Frequency:* One-time and recurrent requirements.

**PUBLIC COMMENTS INVITED:** You are asked to comment on any aspect of this information collection, including: (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

**AUTHORITY:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC on July 18, 2018.

**Blane A. Workie,**  
Assistant General Counsel for Aviation  
Enforcement and Proceedings.